



PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant: Dee et al.  
Docket No.: 10004.512  
Date: June 22, 2005  
Application No.: 10/786,209  
Filed: February 25, 2004  
Art Unit: 1616  
Examiner: N. Levy  
For: FATTY ACID ANTIMICROBIAL

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On June 22, 2005  
Signature Jeffrey W. Smith

Jeffrey W. Smith, Reg. No. 33455  
Name of Applicant, assignee or Registered Representative

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. §1.121)**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to a May 23, 2005 Notice of Non-Compliant Amendment indicating that Applicants' response filed on February 18, 2005 did not comply with 37 C.F.R. §1.121.

Applicants submit herewith a revised February 18, 2005 amendment complying with 37 C.F.R. §1.121 indicating that claim 28 was not merely "Amended," but is "Currently Amended." Applicants also include their February 18, 2005 response to ensure completeness of the record. Thus, Applicants respectfully submit that their amendments are now in compliance with the rules and request withdrawal of the May 23, 2005 action.

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Applicants also file herewith a Request for Continued Examination ("RCE") under 37 C.F.R. 1.114 for use in the event that the examiner maintains his rejections of the claims in the present amendment. Such an application is permitted under M.P.E.P. 714.03 where it states,

If a new time period for reply is set pursuant to 37 CFR 1.135(c), applicant must supply the omission within this new time period for reply...in order to avoid abandonment of the application. The applicant, however, may file a continuing application during this period (in addition or as an alternative to supplying the omission), and may also file any further reply as permitted under 37 CFR 1.111.

Therefore, the RCE application is proper at this time and with this response, and no fees other than the RCE application fee are believed to be necessary.

Applicants respectfully submit that this case is now in condition for allowance.



EXPRESS MAIL LETTER

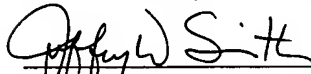
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Filing Date: February 25, 2004  
Application No.: 10/786,209  
For: FATTY ACID ANTIMICROBIAL  
Docket No.: 10004.512  
Express Mail No.: EV597766153US  
Date of Deposit: June 22, 2005

I hereby certify that these attached documents

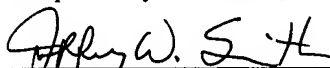
- Response postcard
- Check in the amount of \$790.00
- PTO/SB 21 (1p)
- PTO/SB 30 (1p) and 1 copy
- Response to Notice of Non-Compliant Amendment (37 CFR §1.121) (12 pp)

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(Jeffrey W. Smith, Reg. No. 33455)

Enclosed for filing please find the above-referenced documents. Please indicate receipt of these documents by returning the attached postcard with the official Patent and Trademark Office receipt stamped thereon.

Respectfully submitted,

  
Jeffrey W. Smith, Reg. No. 33455  
Attorney for Applicant  
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Madison, WI 53711  
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/786,209
Filing Date	February 25, 2004
First Named Inventor	Alejandro O. Dee
Art Unit	1616
Examiner Name	N. Levy
Attorney Docket Number	10004.512

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB 30 (1p) and 1 copy; Response to Notice of Non-Compliant Amendment (12pp)
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	SMITH LAW OFFICE		
Signature			
Printed name	Jeffrey W. Smith		
Date	June 22, 2005	Reg. No.	33455

**CERTIFICATE OF TRANSMISSION/MAILING**

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Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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